IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26782 of 2007(L)

PETITIONER:

SUNNY C.KALLIATH, S/o. CHAKKORU KALLIATH,
AGED 68 YEARS, KALLIATH HOUSE,
HOLY ANGEL'S ROAD, OLLUR P.O., THRISSUR

BY ADV. SRI.RANJITH XAVIER

RESPONDENTS:
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1. **ASSISTANT EXECUTIVE ENGINEER,**
   OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
   PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
   THRISSUR-20.

2. **DISTRICT COLLECTOR, DISTRICT COLLECTORATE,**
   CIVIL STATION, AYYANTHOLE, THRISSUR-3.

3. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,**
   SECRETARIATE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLAEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007 , ALONG WITH W.P.(C).No.26794/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J

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W.P.(C).Nos.26782 & 26794 of 2007

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Dated this the 7th day of September, 2007

JUDGMENT

The grievance of the writ petitioner in W.P.(C). No.26782/2007 is that as per Ext.P2 notice he was asked to vacate from the premises. It is also threatened that if he does not vacated within 48 hours of its receipt, the structure will be demolished and he will be responsible for all damages. He has filed Ext.P4 objection to Ext.P2 notice. Ext.P3 in this writ petition is a notice addressed to his brother who is not in station and therefore the petitioner received the said notice and Ext.P4 is the objection in respect of that notice as well.

In the Writ Petition 26794/2007 also similar notices have been issued to the petitioners. The notices are Exts.P4 and P5 and the reply given is Ext.P6. Considering the fact that not even a breathing time has been given to the petitioners, I think that these notices were issued in a hasty manner. Not only that the petitioners should have been given a show cause notice and an opportunity before they are sought to be evicted from the premises.

In any case now that the petitioners have filed objection for the aforesaid notices, I direct the first respondent in these cases to consider the objections filed by the petitioners and pass orders thereon. Before orders are passed the petitioners should be given a notice and an opportunity of hearing. Until orders are passed as above further proceedings pursuant to the notices mentioned above shall be kept in abeyance.

ANTONY DOMINIC,JUDGE

dvs